

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS**

**JULIA LEIB and LISA THOMPSON,
individually, and on behalf of all persons
similarly situated,**

Plaintiffs,

v.

**REX ENERGY OPERATING CORP., a
Delaware corporation, and PENNTEX
RESOURCES ILLINOIS, INC., a Delaware
corporation,**

Defendants.

Case No. 06 CV 802-JPG-CJP

ORDER

PROUD, Magistrate Judge:

Gary K. Tussey, d/b/a Tussey Oil Exploration & Producer, a non-party, is before the Court seeking to quash a subpoena issued on behalf of the plaintiffs seeking production, inspection and copying of certain documents. **(Doc. 58)**. Tussey objects to producing a variety of documents that contain or reflect citizen complaints, and data, information and measurements, maps, and the like, related to Tussey Oil's exploration, operation and facilities Lawrence County, Illinois, from 2002 to the present. Tussey challenges the relevance of the requested materials and information, particularly since Tussey Oil is not a party. Tussey also objects that the requested documents, data and information warrant protection because "defendant" is a competitor—Tussey does not specify which defendant is a competitor. Furthermore, Tussey asserts the requested production imposes an undue burden and expense. In the event Tussey is not afforded protection, Tussey objects that he will need more than the 20 days allotted to complete production.

Plaintiffs have not filed a response to the subject motion to quash. The Court cannot and will not invent arguments regarding why a non-party should produce the requested documents when plaintiffs have not bothered to do so.

IT IS THEREFORE ORDERED that Tussey's motion to quash the subpoena propounded by plaintiffs (**Doc. 58**) is **GRANTED**.

IT IS SO ORDERED.

DATED: July 24, 2008

s/ Clifford J. Proud
CLIFFORD J. PROUD
U. S. MAGISTRATE JUDGE